

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ELLIOT MCGUCKEN,
Plaintiff,

v.

DMI HOLDINGS, et al.,
Defendants.

CV 18-4837 DSF (GJSx)

Order re Additional Briefing

Plaintiff Elliot McGucken applies for default judgment against Defendant DMI Holdings, a New Jersey limited liability company, for copyright infringement of six photographs (the Subject Photographs) under 17 U.S.C. § 101 et seq., and for violations of the Digital Millennium Copyright Act (DMCA), 17 U.S.C. § 1202. The Court deems this matter appropriate for decision without oral argument. See Fed. R. Civ. P. 78; Local Rule 7-15. The hearing set for April 1, 2019 is removed from the Court's calendar.

After reviewing Plaintiff's application, the Court remains unconvinced that either the "45SURF" logo that was allegedly removed from the Subject Photographs, or the "DANGEROUS" logo that was allegedly added to the Subject Photographs by Defendant, constitutes "copyright management information" under 17 U.S.C. § 1202(c).

First, the Court requests additional briefing regarding when a logo imposed on a digital image constitutes "copyright management information."

Second, the Court seeks factual clarification as to how the “45SURF” logo that appears on the Subject Photographs identifies Plaintiff.

Plaintiff is ORDERED to provide, no later than April 5, 2019, additional briefing not to exceed ten pages in length addressing these issues.

IT IS SO ORDERED.

Date: March 25, 2019



Dale S. Fischer
United States District Judge